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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/647,668

08/25/2003

Fujio Akahane

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08/16/2006

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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/647,668

Applicant(s)

AKAHANE ET AL.

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-34 is/are pending in the application.
 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 12, 14-16, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 19-27 and 30-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-4, 6-9, 14-16, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Widell (2,825,407). See Figure 7-9 where the guide member 70, 74, 76 is constituted of “projections” since they project from the spacers 80. As to claim 8, the finished product is shown by Widell. The plate material does not effect the construction of the punching apparatus.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell (2,825,407). The specific size is considered well within the purview of the skilled artisan having the benefit of Widell’s punching device, such sizing being dependent upon the desired size of the punched product. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Widell’s device to size the punches to any size desired based upon needed product sizes.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 19-27 and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 13 are allowed.

WITHDRAWAL OF NONELECTED CLAIMS

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2005.

RESPONSE TO APPLICANT'S COMMENTS

Applicant's comments relating to the Widell reference have been carefully considered. The examiner has given the claims a broad interpretation in accordance with Office practice. With specific reference to Figures 7-9 of Widell, Widell shows a "guide member" that comprises elements 70, 74, 76 and 80. A "guide face" is provided on the "guide member" that supports a side portion of the male die 116. The "guide member" 70, 74, 76, 80 further is formed with "projections" 70 and 74 that project from the element 80 and support the faces of the male die that face the gap. The gap is shown as that area between the punches 116 with the guide apertures 72 having walls that support one side face of each of the punches that faces the gap. Accordingly, since the apertures 72 are described as "guide apertures" with the lead line of numeral 76 indicating the side of the guide member facing the gap (see Figure 9) as the guide aperture, it is evident that this part of the guide member guides the punch.

Applicant's further argument that Widell's elements 116 are surrounded by the element 76 without a gap is irrelevant since the gap is defined as that area between the punches. The gap is that area between the punches throughout the length of the punches with the gap being filled by the element 76 in only a part of the gap. The claims do not preclude Widell's showing where a part of the gap is filled by the element 76. Furthermore, claim 1 merely states that the

projections (plates 70 and 74) support “one side face of each of the punches which faces the gap” (emphasis added).

Contrary to applicant’s argument, Widell does show that the guide member is formed with “projections”. In this case, the guide member, which can be defined as the entire part comprised of elements 70, 74, 76 and 80, is provided with a guide face in the form of guide plate 76 and guide projections also in the form of guide plates 70 and 74. Clearly, the phrase “guide member” is all-inclusive and descriptive of a component that comprises all the parts that make up the guide member. Accordingly, the guide member is formed with projections.

FINAL OFFICE ACTION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

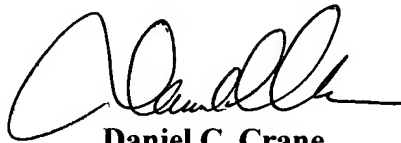
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INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571-273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane
August 10, 2006



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725